

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**JOINT STIPULATION AND [PROPOSED] ORDER REGARDING PRODUCTION OF
DOCUMENTS AND DATA FOR PURPOSES OF MEDIATION**

Plaintiffs and Defendants OptumRx, Inc., OptumInsight, Inc., and OptumInsight Life Sciences, Inc. (collectively, “the Optum Defendants”) jointly stipulate as follows: The Optum Defendants preserve all Rule 12 and other defenses in any litigation in the MDL, including but not limited to Rule 12(b)(2) defenses for lack of personal jurisdiction. The Optum Defendants may participate in mediation-related activities, including the production of documents and data for purposes of mediation or otherwise, without waiving any right or defense. While Plaintiffs do not concede the availability or validity of any defense, including the lack of personal jurisdiction, the parties agree, and the Court hereby orders, that the Optum Defendants’ participation in any such mediation-related activity or production will not constitute a waiver of the Optum Defendants’ rights or defenses in this litigation, including their rights to contest personal jurisdiction.

SO ORDERED.

Date: April ___, 2023

The Honorable Dan A. Polster
U.S. District Judge for the Northern District of Ohio

Submitted: April 21, 2023

/s/ Kimberly K Chemerinsky

Kimberly K. Chemerinsky
Ethan J. Bond

ALSTON & BIRD LLP

333 South Hope Street, 16th Floor
Los Angeles, CA 90071-1410
Tel: (213) 576-1000
kim.chemerinsky@alston.com
ethan.bond@alston.com

Brian D. Boone

ALSTON & BIRD LLP

Bank of America Plaza, Suite 4000
101 S. Tryon St.
Charlotte, NC 28280
Tel: (704) 444-1000
brian.boone@alston.com

William H. Jordan

Caroline R. Strumph

ALSTON & BIRD LLP

1201 West Peachtree Street NW, Suite 4900
Atlanta, GA 30309
Tel.: (404) 881-7000
bill.jordan@alston.com
caroline.strumph@alston.com

Attorneys for the Optum Defendants

/s/ Linda Singer

Joe Rice

Linda Singer

Motley Rice LLC

28 Bridgeside Blvd.
Mount Pleasant, SC 29464
jrice@motleyrice.com
lsinger@motleyrice.com

/s/ Joanne Cicala

Joanne Cicala

The Cicala Law Firm PLLC

101 College Street
Dripping Springs, TX 78620
joanne@cicalapllc.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2023 a true and correct copy of the foregoing JOINT STIPULATION AND [PROPOSED] ORDER REGARDING PRODUCTION OF DOCUMENTS AND DATA FOR PURPOSES OF MEDIATION was filed and served electronically on all registered users via the Court's CM/ECF.

/s/ Kimberley K. Chemerinsky
Kimberley K. Chemerinsky